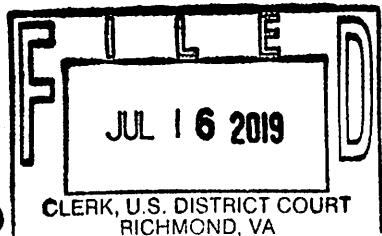


UNITED STATES DISTRICT COURT  
for the  
Eastern District of Virginia

United States of America  
v.  
Damacio Ruperto TISTA-TEMU  
a/k/a Jesus Antonio Lopez Lopez

Case No. 3:19mj 93



**Defendant(s)**

## **CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 9, 2019 in the county of Chesterfield in the  
Eastern District of Virginia, the defendant(s) violated:

### *Code Section*

### *Offense Description*

This criminal complaint is based on these facts:

See Attached Affidavit.

Continued on the attached sheet.

Reviewed by AUSA/SAUSA:

Heather Mansfield

Complainant's signature

Richard M. Tine, Deportation Officer, ICE

*Printed name and title*

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**David J. Novak**  
**United States Magistrate Judge**

*Judge's signature*

Sworn to before me and signed in my presence.

Date: July 16, 2019

City and state: Richmond, Virginia

David J. Novak, United States Magistrate Judge

*Printed name and title*

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

UNITED STATES OF AMERICA, )  
v. )  
Damacio Ruperto TISTA-TEMU )  
a.k.a. Jesus Antonio LOPEZ LOPEZ, )  
Defendant. )  
Criminal No. 3:19mj93

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Richard Tine, being duly sworn state the following:

1. I am a Deportation Officer for U. S. Immigration & Customs Enforcement (“ICE”) and am currently assigned to the Richmond Sub-Office of the Washington Field Office. I have been employed by the Agency since March 2010. My duties as a Deportation Officer involve enforcement of the Immigration and Nationality Act, particularly the location and apprehension of criminal aliens for prosecution and removal.
2. This affidavit is in support of a criminal complaint charging Damacio Ruperto TISTA-TEMU, with Reentry After Deportation, in violation of 8 U.S.C. § 1326(a). As described herein, Damacio Ruperto TISTA-TEMU, a citizen of Guatemala, is an alien who was previously removed from the United States, reentered the United States, and was found in the United States within the Eastern District of Virginia without having first obtained the express consent of the Attorney General or, his successor, the Secretary of Homeland Security.

3. The facts and information contained in this affidavit are based on my personal knowledge and observations, information conveyed to me by other law enforcement officials, and my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause but is not intended to include each and every fact and matter observed by me or known to the government.
4. A review of ICE's files and computer records revealed that TISTA-TEMU, born March 27, 1994 in Guatemala, and at all times a citizen of Guatemala, was first encountered in the United States without inspection near Sasabe, Arizona on or about May 8th, 2012 by the United States Border Patrol.
5. On or about May 8, 2012, TISTA-TEMU was placed in Removal Proceedings and issued a form I-860 Notice of Order of Expedited Removal.
6. On or about June 6, 2012, TISTA-TEMU was removed from the United States to Guatemala as verified by form I-296 in his Alien Registration file.
7. On a date after June 6, 2012, TISTA-TEMU reentered the United States at or near La Grulla Texas without permission of the United States Attorney general or the Secretary of Homeland Security.
8. On or about October 20, 2013, TISTA-TEMU was encountered by the United States Border Patrol near La Grulla Texas. Upon review of

database information to include fingerprint information, immigration authorities concluded that TISTA-TEMU had been deported previously.

9. On or about October 21, 2013, TISTA-TEMU was served with an I-871 Notice of Intent to Reinstate a Prior Removal Order.
10. On or about December 13, 2013, TISTA-TEMU was removed from the United States.
11. On a date after December 13, 2013 TISTA-TEMU reentered the United States at an unknown location and time without permission of the United States Attorney General or the Secretary of Homeland Security.
12. On or about July 9, 2019, TISTA-TEMU was encountered by Richmond Immigration and Customs Enforcement Officers, in North Chesterfield Virginia. A check of Immigration databases revealed that TISTA-TEMU had been previously ordered removed from the United States. This was confirmed through fingerprint identification.

13. Based on the facts and information set forth above, I respectfully submit that there is probable cause to believe that TISTA-TEMU illegally reentered the United States after having been deported or removed, in violation of Title 8, United States Code, Section 1326 (a).



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Richard Tine  
Deportation Officer  
United States Immigration &  
Customs Enforcement

Sworn to and subscribed before me  
At Richmond, Virginia  
July 16, 2019

/S/  
\_\_\_\_\_  
David J. Novak  
United States Magistrate Judge  
\_\_\_\_\_  
Honorable David J. Novak  
United States Magistrate Judge

